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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,602	12/27/1999	DAVID J. ALLARD	BC9-99-046-(	8982

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EXAMINER
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NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 08/15/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/472,602

Applicant(s)

ALLARD ET AL.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beser, US Patent No. 6,212,563 and further in view of Sistanizadeh et al. (Sistanizadeh), US Patent No. 6,101,182.

4. As to claim 1, Beser discloses the invention as claimed, a broadband Internet Protocol (IP) based network, comprising:

at least one customer coupled to the network for receiving IP services (Abstract, col. 3, lines 27-49, and Fig. 1);

means for generating a DHCP message in a customer request for IP services (col. 3, lines 27-49);

server means for receiving the request and DHCP message and generating an extended DHCP request (col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23);  
and

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means for receiving and routing the customer request and extended DHCP request for providing IP services to the customer (col. 3, lines 27-49; col. 5, line 40 – col. 7, line 23);

However, Beser does not disclose a customer request for IP services with a selected Internet Services Provider (ISP). In the same field of endeavor, Sistanizadeh discloses a user desires to use a different Internet Service Provider to request for IP services by providing a different username and password (col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the choice of different Internet Service Provider from a user in a system and method for providing Internet access via a Public Switched Telecommunication Network as taught by Sistanizadeh into a method a system for setting and managing externally provided Internet Protocol addresses using the Dynamic Host Configuration Protocol of Beser, thereby resulting in the claimed invention, because it would make users have more choices of using desired ISP.

5. As to claim 2, Beser and Sistanizadeh (Beser-Sistanizadeh) disclose the broadband network comprising:

modem means for coupling the customer to the network (Beser, col. 5, lines 17-31); and

means for generating a unique customer address as part of the DHCP request (Beser, col. 3, lines 7-49).

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6. As to claim 3, Beser-Sistanizadeh discloses means coupled to the server means for storing customer address information (Beser, col. 13, lines 50-64).

7. As to claim 4, Beser-Sistanizadeh discloses means for mapping the unique customer address to DHCP request (Beser, col. 3, lines 27-49).

8. As to claim 5, Beser-Sistanizadeh discloses routing means coupled to the server and a network serving a plurality of ISP (Sistanizadeh, col. 5, line 29 – col. 6, line 3).

9. As to claims 6 and 13, Beser-Sistanizadeh discloses a broadband multi service proxy server, comprising:

means coupling the server to a broadband IP based network serving a plurality of customers (Beser, col. 12, line 57 – col. 13, line 19);

means coupling the server to an IP network via at least one Internet Service Providers (ISP) in a plurality of ISPs (Sistanizadeh, col. 5, line 29 – col. 6, line 3);

means for generating a customer request including a DHCP message for access to the IP network (Beser, col. 3, lines 27-49; col. 5, line 40 – col. 7, line 23); and

means for generating an extended DHCP message format in the server enabling a customer to access an ISP of choice for IP network services (Beser,

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col. 3, lines 27-49; col. 5, line 40 – col. 7, line 23; Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

10. As to claim 7, Beser-Sistanizadeh discloses means for generating a unique address for a customer and storing the address in the server as an origination source for a customer request (Beser, col. 3, lines 27-49, col. 13, lines 50-64).

11. As to claim 8, Beser-Sistanizadeh discloses means for pre-registering a customer for IP service with an ISP prior to generating a customer request (Sistanizadeh, col. 8, lines 8-22);

means for sending the server customer ID and password for customers registered by the ISP (Sistanizadeh, col. 8, lines 8-22) .

12. As to claim 9, Beser-Sistanizadeh discloses means for sending a DHCP and unique customer address in a customer request for access to the IP network (Beser, col. 3, lines 7-49);

means for receiving the customer request and storing the unique customer address in a database coupled to the server (Beser, col. 13, lines 50-64).

13. As to claim 10, Beser-Sistanizadeh discloses means for sending the server an extended DHCP response and customer assigned address for

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customer requests validated by the ISP (Beser, col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23).

14. As to claim 11, Beser-Sistanizadeh discloses server means for mapping validated customer requests to a unique customer address (Beser, col. 3, lines 27-49); and

server means emulating the ISP and sending the customer a DHCP response to the customer request (Beser, col. 2, line 2 – col. 3, line 18).

15. As to claim 12, Beser-Sistanizadeh discloses means for validating a customer request for access to the IP network at an ISP of customer choice (Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

16. As to claim 14, Beser-Sistanizadeh discloses mapping the DHCP message to the customer at a unique network address (Beser, col. 3, lines 27-49).

17. As to claim 15, Beser-Sistanizadeh discloses emulating the ISP by the server means and sending a DHCP reply to the customer followed by updating the switching means to allow the customer to access the ISP of its choice (Beser, col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23; Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

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18. As to claim 16, Beser-Sistanizadeh discloses checking the extended DHCP message by the ISP to determine if the customer is approved to receive IP services (Beser, col. 6, line 9 - col. 7, line 23).

19. As to claim 17, Beser-Sistanizadeh discloses notifying the server when the ISP determines the customer is not approved to receive IP services (Sistanizadeh, col. 11, lines 18-39).

20. As to claim 18, Beser-Sistanizadeh discloses sending the server a customer ID and password for customers registered by the ISP (Sistanizadeh, col. 10, lines 15-24).

21. As to claim 19, Beser-Sistanizadeh discloses sending the server extended DHCP response and customer assigned address for customer requests validated by the ISP (Beser, col. 3, lines 27-49; col. 5, line 40 – col. 7, line 23; Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

22. As to claim 20, Beser-Sistanizadeh discloses the unique customer address is a MAC address (Sistanizadeh, col. 10, lines 25-31).



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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703)305-4639. The Examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Rinehart, can be reached at (703) 305-4815.

The fax phone numbers for the organization where this application is assigned are as follows:

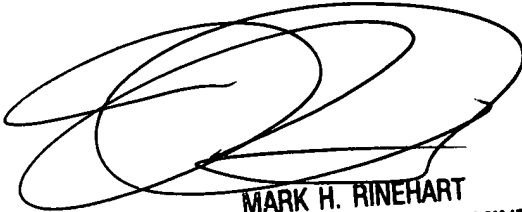
(703) 746-7238 (After Final Communications only)

(703) 746-7239 (Official Communications)

(703) 746-7240(for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen  
Patent Examiner  
Art Unit 2152



MARK H. RINEHART  
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